

ORDER OF DISMISSAL

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 31st day of May, 1989 that the Petition for Variance to permit a lot width of 50 feet in lieu of the minimum required 55 feet in accordance with the site plan submitted be and is hereby DISMISSED.

AMN:bis

Mr. & Mrs. Scott A. Schech
163 Bennet Road, Baltimore, Md. 21221

People's Counsel

File

JOSEPH W. LUTZ, JR., et al., : Case No. 89-482-A
Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
887-2188

I HEREBY CERTIFY that on this 16th day of May, 1989, a copy of the foregoing Entry of Appearance was mailed to Joseph W. Lutz, Jr. and David S. Selig, 5409 Lutz Hill Rd., Baltimore, MD 21206; and Mr. and Mrs. Scott A. Schech, 163 Bennett Road, Baltimore, MD 21221, Contract Purchasers.

Peter Max Zimmerman
Peter Max Zimmerman

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1902.3.B, To permit a lot width of 50' in lieu of the minimum 55'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty.) I have sold my house and have to move on March 15, 1989. I have already signed a contract to buy this lot on 10001 Phillips Ave., and would like to live in the new house. It is not feasible to find it very hard to find another place to live for a short period of time.

My new house has already been ordered (it's a modular). Therefore I would appreciate it if this variance could be processed as soon as possible.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: SCOTT ASCHENHUTTER DEBORAH J SCHUCH Legal Owner(s): JOSEPH W. LITE, JR.
(Type or Print Name) (Type or Print Name)
SCOTT W. SCHUCH DEBORAH J. SCHUCH JOSEPH W. LITE, JR.
Signature Signature
1633 Summit Road RAVIA S. SELIG
Address (Type or Print Name)
Chattanooga, TN 37424 Daniel Selig
Signature

Attorney for Petitioner: _____

(Type or Print Name) _____ Address _____ Phone No. _____

City and State _____

Signature _____

Address _____

City and State _____

Attorney's Telephone No.: _____

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
JOSEPH W. LUTZ JR

Name _____
5809 LUTZ HILL RD. SFC

City and State _____

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day of April, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, City Office Building in Towson, Baltimore County, on the 26th day of May, 1988, at 2 o'clock P. M.

(over)

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th Date of Posting 7/21/79
 Posted for Residence
 Petitioner Fred & Wilhelmina et al & Scott Hochbach et ux
 Location of property SE 1/4 P.M. 11W., 170° 54' P.O.P. 30.00 W., 94° 56' N.
163.11 ac.
 Location of Sign Posted on property corner 100° 56' P.M. 11W.
only 6.75' between a & north line drive with
 Remarks _____
 Posted by M. J. [Signature] Date of return 7/21/79
 Number of Signs 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., _____ *May 4*, 19*29*
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., appearing on
_____ *May 4*, 19*29*.

THE JEFFERSONIAN.

S. Zehe *Orlman*

Publisher

PO 12025
 reg M28933
 cc 89-482-A
 price \$41.37

NOTICE OF HEARING

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County is hereby giving notice that a public hearing and a public sale will be held on the property identified herein, located at 108 of the County of Baltimore, known as 111 Chesapeake Avenue, in Towson, Maryland as follows:

Case Name: Varying Variance
Case No.: 90-02
C&S Philadelphia Area, 170' SW 1/4 of Section 36, Township 36 North, Range 1 East, Philadelphia Area (236 Philadelphia Avenue) (Public Avenue)
County: Baltimore District - 7th Councilmanic District - 7th Councilmanic District
Owner(s): Joseph W. Lutz, Jr., et al.
Contract Purchaser(s): Scott A. Lutz

HEARING SCHEDULED: FRIDAY, MAY 18, 1990 at 2:00 p.m.

The property is a lot of 50 ft. in width of the minimum 55 feet. In view of the fact that this Parcel is located in a residential neighborhood, a building permit for this Parcel is not required. If this Parcel is used within this thirty (30) day appeal period, the use of this Parcel will, however, entitle any request for a variance to the use of this Parcel within the instance of said permit. Such request must be in writing and must be filed with the County of Baltimore on or before the date of the hearing set above or prior to the date of the hearing.

Zoning Commissioner of Baltimore County

The Times

Middle River, Md., May 4 1889
 This is to Certify, That the annexed
Baltimore
Ray m 28932
 was inserted in the Times, a newspaper printed
 and published in Baltimore County, once in each
 of one successive
 weeks before the 4th day of
May 1889
James B. Co. Publisher.

The Times . INC.
9606 Belair Road
Baltimore, Maryland 21234

PUBLISHED BY THE SHIELD PRESS INC.

Best Advertising Medium
Subscription Rates:
In County — \$6.50
Post Office Outside

Baltimore County Maryland
Office of Finance
Room 150 Court House
Towson, Md. 21204 -4665

TEL. NO. P.O. NO. 12524
ORDERED BY:

S.C. Petition
Joseph W. Lutz Jr.

FOI M 28932

89-182-1

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
14th day of April 1989

Petitioner Joseph W. Lutz, Jr., et al
 Petitioner's _____
 Attorney _____

ZONING COMMISSIONER
 Received by: James E. Dyer
 Chairman, Zoning Plans
 Advisory Committee

Tracking System

Baltimore County
Zoning Commissioner
Office of Planning & Zoning

Council District
Election District

Date: 6/23/89
Receipt Number: 0058320101-57152137
FEE TYPE: Identification Number
Petitioner: Lutz (Last) (First) (Middle Initial)
Property Address: 225 Philadelphia Avenue (Number) (Street)

155-70
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: 6/23/89 ACCOUNT: 101-415-000
AMOUNT: \$ 81.31
RECEIVED FROM: J. Robert Haines
FOR: 89-455-A
B 6 B15*****513118 626-F
VALIDATION OR SIGNATURE OF CASHIER: [Signature]
CASHIER: [Signature]

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VALIDATION OR SIGNATURE OF CASHIER: [Signature]
CASHIER: [Signature]

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Date: 5/15/89

Mr. & Mrs. Scott Schech
163 Bennet Road
Baltimore, Maryland 21221

Re: Petition for Zoning Variance
CASE NUMBER: 89-482-A
SES Philadelphia Avenue, 170' SW c/l Petascope Avenue, 80' SE centerline of Philadelphia Avenue (225 Philadelphia Avenue)
15th Election District - 7th Councilmanic
Legal Owner(s): Joseph W. Lutz, Jr., et al
Contract Purchaser(s): Scott A. Schech, et ux
HEARING SCHEDULED: FRIDAY, MAY 26, 1989 at 2:00 p.m.

Dear Petitioners:

Please be advised that \$31.31 is due for advertising and posting of the above-reference property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:gs

cc: File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

April 16, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-482-A
SES Philadelphia Avenue, 170' SW c/l Petascope Avenue, 80' SE centerline of Philadelphia Avenue (225 Philadelphia Avenue)
15th Election District - 7th Councilmanic
Legal Owner(s): Joseph W. Lutz, Jr., et al
Contract Purchaser(s): Scott A. Schech, et ux
HEARING SCHEDULED: FRIDAY, MAY 26, 1989 at 2:00 p.m.

Variance to permit a lot width of 50 ft. in lieu of the minimum 55 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Scott A. Schech, et ux
Joseph W. Lutz, Jr.
File

Chesapeake Bay Critical Area Commission

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 4, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. Joseph W. Lutz, Jr.
5409 Lutz Hill Road
Baltimore, MD 21207

RE: Item No. 343, Case No. 89-482-A
Petitioner: Joseph W. Lutz, Jr., et al
Petition for Zoning Variance

Dear Mr. Lutz:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINDARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Scott A. Schech
163 Bennet Road
Baltimore, MD 21221

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building, Suite 405
Towson, Maryland 21204
494-3334

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

March 28, 1989

Dear Mr. Haines:

The Bureau of Traffic has no comments for items number 289, 291, 316, 333, 334, 339, 340, 342, 343, 344, 345, 346, 347, 348, 349, 351, 356, and 357.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF/lab

RECEIVED
MAY 29 1989

ZONING OFFICE

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Joseph W. Lutz, Jr. & David S. Seling

Location: SE/S of Philadelphia Ave.

Item No.: 343

Zoning Agenda: February 28, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature]
PLANNING GROUP
Special Inspection Division

NOTED & APPROVED: [Signature]
Fire Prevention Bureau

/j1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: May 17, 1989

FROM: Mr. Robert W. Sheesley

SUBJECT: Lutz Property - Item #343
Philadelphia Avenue
Chesapeake Bay Critical Area Findings

RECEIVED
MAY 26 1989

ZONING OFFICE

SITE LOCATION

The subject property is located on Philadelphia Avenue in Chesapeake Park. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME: Joseph W. Lutz Jr.

APPLICANT PROPOSAL

The applicant proposes a 1056 square foot single family dwelling on the lot. The applicant is requesting a Zoning Variance from Section 1 1B02.3.B of the 1981 Baltimore County Zoning Regulations, "to permit a lot width of 50 feet in lieu of the minimum 55 feet."

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a findings which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01>

Mr. J. Robert Haines
May 17, 1989
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.

Finding: The proposed house will not increase the sum of impervious areas to exceed 15% of the lot.

2. Regulation: "Infiltration of storm water shall be maximized throughout the site, rather than directing the flow to single discharge points" <Baltimore County Code, Sec. 22-217(a)(2)>.

Findings:

- a. Storm water runoff shall be directed from impervious surfaces associated with this petition to pervious areas to encourage maximum infiltration.
- b. Rooftop runoff shall be directed through down-spouts and into a seepage pit or Dutch drain to encourage maximum infiltration (see attached information).
- c. One major deciduous tree or two conifer trees shall be planted and maintained on the lot. A combination of these two tree types is acceptable provided that 1,000 square feet of tree cover is provided. A major deciduous tree is estimated to cover 1,000 square feet and a conifer, 500 square feet at maturity.

Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them.

3. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code & C. 22-213(a)>.

Finding: This lot is not on the waterfront and therefore the above regulation is not applicable.

Mr. J. Robert Haines
May 17, 1989
Page 3

4. Regulation: "A minimum 25 foot buffer shall be maintained around all non-tidal wetlands so that development or other activities will not adversely affect the wetlands or the wildlife contained therein" (Baltimore County Code Sec. 22-212(a)).

Finding: No tidal or non-tidal wetlands were found on this site or in the surrounding area of the site.

Upon compliance with the above requirements, this project will be approved. Please contact Mr. David C. Flowers at 867-3380 if you require additional information.

Robert W. Sheesley
Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:MS:ju
Attachment

cc: The Honorable Ronald B. Nickernell
The Honorable Norman R. Lauenstein
The Honorable Dale T. Voiz

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: May 26, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-482-A
Item No. 343

The applicant is requesting consideration to establish lot sizes of 50 feet in width rather than 55 feet and variances to respective side yards where required. In reference to these requests, staff provides the following information:

- In instances such as these, staff's primary concerns are:

1. What is the impact on adjoining property?, and;
2. Are adequate front, side, and rear yard setbacks being provided on the site? and;
3. Will the reduced lot sizes result in requests for additional variances when subsequent lot owners try to build unsuitable homes on the lots or expand homes into required areas?

Based upon the information provided and analysis conducted, staff recommends that if any of the requests are granted, the following conditions be attached.

- All building setback lines (front, side, rear) shall be shown on the site plan and recorded by the applicant on the deed of record. Furthermore, a statement shall be attached to the site plan which clearly states that all development shall conform to the setbacks as shown and additional variances shall not be granted for setbacks on the subject property.
- Any applications for building permits shall include a copy of the site plan and the Commissioner's "Findings of fact and conclusions of Law," provided by the applicant.

A:52689 Page 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

June 21, 1989



Dennis F. Reardon
County Executive

Mr. & Mrs. Scott Schech
163 Bennet Road
Baltimore, Maryland 21221

Mr. Joseph W. Lutz, Jr.
Mr. David S. Selig
5409 Lutz Hill Road
Baltimore, Maryland 21206

Re: Petition for Zoning Variance
CASE NUMBER: 89-482-A
225 Philadelphia Avenue

Dear Petitioners:

Records indicate a balance due of \$81.31 for advertising and posting pertaining to the above referenced matter.

Kindly forward your check via return mail.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY

JRH:gs

343
CRITICAL AREA

February 11, 1989

To Whom It May Concern,

I am writing to you to explain my situation. I am in the process of selling my house that I am presently living in, and having one built to move into.

I have presently bought a lot on 225 Philadelphia Avenue. I understand that a variance has to be filed on the lot before my house can be built. I would like to know if it can be done as soon as possible. Settlement on my house I am presently living in is on March 15, 1989. The proposed buyers would like to move in right after settlement. They are currently renting an apartment, and their lease expires right after our settlement date, and they can not get out of their lease.

My family and I would like to move in as soon as possible also. I have talked to my family and my wife's family about moving in with them until my house is built. But they just don't have enough room for my whole family.

The mortgage company that I am dealing with on my new house has already approved my loan. My new house has already been ordered. And I would like to have my house built before the spring increases in houses.

PROTESTANT(S) SIGN-IN SHEET

| NAME | ADDRESS |
|-----------------|----------------------------|
| Alvin Earl Hays | 227 Philadelphia Ave 21237 |
| David L. Hays | 227 Philadelphia Ave 21237 |
| Works Carly | 235-2928 8:00-4:30 |

